

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SEA STAR LINE, LLC	:	
	:	
Plaintiff/	:	
Counterclaim Defendant,	:	
	:	
v.	:	Civ. No. 05-245-JJF-LPS
	:	
EMERALD EQUIPMENT LEASING, INC.,	:	
	:	
Defendant/	:	
Counterclaim Plaintiff.	:	

**ORDER**

At Wilmington this **7th** day of **May, 2008**, the Court having held a teleconference with respect to certain discovery disputes of Emerald Equipment Leasing, Inc. (“Emerald”) and Sea Star Line LLC (“Sea Star”) on May 6, 2008, and having reviewed the parties’ submissions in connection therewith, and having determined that the various discovery issues are within the scope of the order of reference from Judge Farnan to the undersigned magistrate judge (*see* Nov. 2, 2007 Order (D.I. 142) (referring Emerald’s Amended Counterclaim to magistrate judge to “regulate and resolve all pretrial matters, up to and including the pretrial conference, subject to 28 U.S.C. § 636(b)(1)(B) and any further Order of the Court”)):

IT IS ORDERED that Sea Star shall provide to Emerald, to the extent such documents exist and are within Sea Star’s possession and control, on or before May 20, 2008, the following:

All invoices, bills, or other similar documents exchanged between Sea Star and (i) Palmer Trucking and (ii) Aqua Gulf, for services rendered between April 29, 2002 and September 30, 2002; and

IT IS FURTHER ORDERED that the December 28, 2007 Memorandum Order (D.I. 160), as amended by the January 15, 2008 Order (D.I. 166) and this Order, shall continue to govern in all other respects; and

IT IS FURTHER ORDERED that (i) on or before May 13, 2008, (a) Emerald shall provide the current electronic version of what it has referred to as the "Invoice" to Sea Star, and (b) Sea Star shall provide the current electronic version of its supplemental response to Interrogatory No. 1 to Emerald, and (ii) every two weeks thereafter, through and including July 31, 2008, the parties shall continue to exchange such updated and current electronic versions of those documents; and

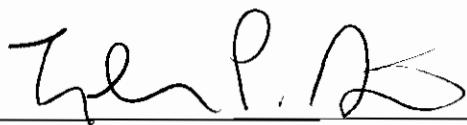
IT IS FURTHER ORDERED that, with respect to its request for sanctions against Sea Star, Emerald shall file a brief of no more than ten (10) pages, due on or before May 19, 2008, setting forth the factual and legal basis(es) for sanctions and its proposal as to appropriate sanction(s); Sea Star's answering brief shall be limited to no more than fifteen (15) pages and is due on or before June 2, 2008; no reply briefs are permitted; and

IT IS FURTHER ORDERED that, in light of Judge Farnan's Order setting trial on the Amended Counterclaim filed by Emerald to commence on September 15, 2008 (D.I. 182):

(i) Pretrial Conference. On August 29, 2008, Magistrate Judge Stark will hold a Final Pretrial Conference in Chambers with counsel beginning at 10:00 a.m. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Order on or before August 15, 2008. (See attached Final Pretrial and Trial Management Order for further information as to the format and contents of the pretrial order.)

(ii) Motions in Limine. Motions *in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each party shall be limited to five *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of three pages of argument and may be opposed by a maximum of three pages of argument. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single three (3) page submission, unless otherwise ordered by the Court. No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

Delaware counsel are reminded of their obligations to inform out-of-state counsel of this Order.



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Honorable Leonard P. Stark  
UNITED STATES MAGISTRATE JUDGE